

Message Text

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TO*?SECSTATE WASHDC 1605*

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E.O. 11652: GDS

TAGS: PFOR, BG, PK

SUBJECT: AMNESTY AND THE POW TRIALS-A LINKAGE?

REF: STATE 232891; ISLAMABAD 10352; LONDON 13888

SUMMARY: MUJIB'S DECISION TO GRANT AMNESTY TO ALL COLLABORATORS SAVE THOSE ACCUSED OF MURDER, RAPE, AND ARSON IS BEING WELCOMED BY MANY BENGALIERS AS A STEP TOWARD NATIONAL RECONCILIATION AND A MEANS TO ACQUIRE THE MUCH NEEDED SERVICES OF SKILLED PEOPLE IN THE REBUILDING OF THE ECONOMY. MUCH OF THE DIPLOMATIC COMMUNITY INTERPRETS THE AMNESTY AS A SIGNAL TO PAKISTAN OF BANGLADESH'S DESIRE TO RESOLVE THE ISSUE. THIS MESSAGE EXPLORES THE POSSIBILITY OF THAT LINKAGE. END SUMMARY.

1. BDG'S AMNESTY ANNOUNCEMENT HAS BEEN EITHER WELCOMED AS AN OVER-DUE STEP OR MET WITH INDIFFERENCE. THERE APPEARS TO BE NO EXTENSIVE OPPOSITION TO IT. THE DECISION MAY HAVE BEEN PROMPTED AS MUCH BY THE DIFFICULTY OF PROSECURING THE INNUMERABLE CASES AS BY A SENSE OF FORGIVENESS OR EXPECTATIONS OF POLITICAL DIVIDENDS. PROSECUTOR IN CHARGE OF COLLABORATION CASES TOLD EMBOFF RECENTLY THAT CONVICTION RATE HAD DECLINED FROM 90 TO 50 PCT BECAUSE WITNESSES FREQUENTLY WERE NO LONGER AVAILABLE. IN DACCA ALONE, CONFIDENTIAL

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GOVERNMENT HAD ASSIGNED 40 LAWYERS TO COLLABORATION CASELOAD.

LIKELIHOOD OF BDG EVER TRACKING DOWN THE ENDLESS LISTS OF "ABSCOD-ING" COLLABORATORS IS SCA*T. THE DIVERSION OF RESOURCES AND LEGAL SKILLS FROM GENUINE LAW AND ORDER PROBLEMS IS ONE BANGLADESH CAN ILL AFFORD.

2. THE MOTRVES OF MUJIB IN ACQUIESCING TO AMNESTY NOW MAY BE MIXED. IT IS NOT A NEW IDEA. WE UNDERSTAND THAT LAST MAY MUJIB HAD AGREED INITIALLY TO A MULATIVETY SWEEP GIVING AMNESTY ADVOCATED BY SOME, BUT THAT THE INFLUENCE OF OTHER ADVISORS RESULTED IN A WATERED DOWN VERSION THAT ELIMINATED ONLY THE VAGUER CATEGORIES OF COLLABORATION. THE AMNESTY MOVE ATTHIS TIME MAY ALSO BE RELATED TO THE MANEUVERING UNDER WAY WITHIN THE AWAMI LEAGUE AS THE PARTY'S ANNUAL MEETING APPROACHES IN JANUARY. MUJIB HAS APPEARED TO BE TAKING MORE INITIATIVE OF LATE AND SENDING OUT SIGNALS TO BOTH THE LEFT AND THE RIGHT Factions OF HIS PARTY ATTEMPTING TO RECONCILE OR CONTAIN THE DIFFERENCES THAT HAVE SURFACED IN TWO YEARS OF RULE. THE COLLABORATORS ISSUE HAS BEEN A SORE POINT WITH THE MORE MODERATE ELEMENTS IN THE AWAMI LEAGUE WHO ARE UNHAPPY WITH THE DIVISIVE RHETORIC INDULGED IN BYPJQE PARTY POLITICAL HIERARCHS AND WHO BELIEVE THAT THE COUNTRY'S ECONOMY NEEDS THE SKILLS OF THE MANY ONCE-INFLUENTIAL MEN NOW IN JAIL. MOREOVER, MUJIB'S STATEMENTS THAT THE COLLABORATORS HAD BEEN DETAINED A LONG TIME AND THAT THEIR FAMILIES HAD SUFFERED WAS PROBABLY A LEGITIMATE SENTIMENT INFLUENCING HIS DECISION.

3. THE AMNESTY AT THIS TIME AND THE VARIOUS REPORTS (REFTELS) OF BENGALEE DIPLOMATIC EFFORTS TO INITIATE TALKS WITH PAKISTAN MAY WELL BE MORE THAN A COINCIDENCE. AT THE LEAST, IT MAY BE A SIGNAL TO PAKISTAN THAT BDG HAD LAID THE GROUNDWORK FOR PUBLIC ACCEPTANCE OF LENIENCY TOWARD THE GOT AND A SIGN THAT BDG WILL ACT IN GOOD FAITH TO RESOLVE THE ISSUE TO PAKISTAN'S SATISFACTION FOLLOWING RECOGNITION; THIS HAS BEEN THE STANDARD FOREIGN MINISTRY POSITION SINCE THE DELHI AGREEMENT. WHILE CHARACTERIZING THE AMNESTY AS A GOOD SIGN OF EASED TENSIONS, AN MFA OFFICIAL STATED TO A DIPLOMATIC COLLEAGUE THAT BDG COULD DO NO MORE. STILL, THE DEGREE TO WHICH BDG EMISSARIES HAVE BEEN TEETERING ON THE BRINK OF QUALIFYING THE UNTIL-NOW ABSOLUTE EQUATION OF SOVEREIGN EQUALITY AND RECOGNITION COULD MEAN THAT MUJIB'S GOVERNMENT MAY

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BE WILLING TO ACCEPT A LESSER FORM OF ACKNOWLEDGEMENT OF ITS SOVEREIGNTY BY PAKISTAN OR ONLY BE AN EFFORT TO ELICIT SOME RESPONSIVENESS FROM THE GOP. FROM OUR DISTANT PERSPECTIVE VIEWING PAST EVENTS, WE AGREE WITH ISLAMABAD'S ASSESSMENT THAT THE GOP WILL NOT BUDGE. FAKHRUDDIN AHMED, MOREOVER, IS STILL IN NEW YORK WHICH INDICATES THAT HIS MISSION HAS NOT MET WITH ANY SUCCESS.

4. IF MUJIB SHOULD FINALLY DECIDE THAT NO COMPROMISE FROM BHUTTO

IS FORTHCOMING AND THAT THE PRICE OF THE TRIALS IS TOO HIGH TO PAY ANY LONGER, THEN HE HAS WITH THE AMNESTY POSSIBLY SET THE STAGE FOR A GRAND GESTURE OF FORGIVENESS ON THE SECOND ANNIVERSARY OF INDEPENDENCE. CALLING OFF THE TRIALS IN THIS FASHION MAY BLD SUFFICIENT FOR MUJIB TO MASK THE DISAVOWAL OF HIS LONG-REITERATED INSISTENCE THAT THE TRIALS ARE HIS RIGHT AND THAT ONLY RECOGNITION CAN LEAD TO ACCOMMODATION. WHILE SUCH UNILATERAL ACTION IS A REMOTE POSSIBILITY, MUJIB WOULD BE LEAVING HIMSELF OPENHQO CHARGES THAT HE HAS CAPITULATED TOTALLY TO BHUTTO, GAINING NOTHING IN RETURN. FACTIONS WITHIN HIS OWN PARTY AS WELL AS THE OPPOSITION WOULD NOT HESITATE TO EXPLOIT THE DECISION TO THEIR OWN ENDS. WE CONTINUE TO BELIEVE THAT SOME MUTUAL PAK-BANGLADESH FORMULA IS REQUIRED NTO RESOLVE THE ISSUE.

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